

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE SMITH,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 02-2718
	:	
PROMARK PRODUCTS WEST, INC.,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 18<sup>th</sup> day of October, 2004, upon consideration of the motion of defendant Ariens Company for a medical examination and for preclusion (Docket No. 26) and plaintiff's response thereto, it is hereby ORDERED that said motion is DENIED. Plaintiff acknowledges that he will appear for an IME on October 19, 2004.

BY THE COURT:

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RONALD L. BUCKWALTER, S.J.